

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTOLIN ANDREW MARKS,  
Plaintiff,

V.

UNITED STATES OF AMERICA,  
Defendant.

Case No. C07-5679 FDB

# ORDER ADOPTING REPORT AND RECOMMENDATION AND IMPOSING SANCTIONS INCLUDING A PRE FILING SCREENING

Before the court is the Report and Recommendation from the Honorable United States Magistrate Judge J. Kelley Arnold. Judge Arnold recommends that this action be dismissed prior to serving and that the Plaintiff, Antolin Marks, be declared a vexatious litigant and have his ability to proceed in actions *in forma pauperis* removed unless he can show he is in imminent danger of serious bodily harm or death.

Plaintiff Marks has filed an objection in which he disputes the Magistrate Judge's analysis of Mr. Marks' history of litigation. The Court is unpersuaded by Plaintiff's arguments.

Mr. Marks is a detainee at the Northwest Detention Center in Tacoma Washington. Mr. Marks was deported to his native land of Trinidad in 1993, after he admitted to being a deportable alien. He reentered the United States in January of 1994 without permission. Since being housed at the Northwest Detention Center in 2005, Mr. Marks has filed 24 actions. The histories of these actions are accurately set forth in the Report and Recommendation.

Mr. Marks actions show a pattern of harassing duplicative litigation and abuse of process. The court has reviewed the files and agrees with the Magistrate Judge that the actions are duplicative and vexatious. The Court, having reviewed, the Report and Recommendation of Magistrate Judge J.

1 Kelley Arnold, objection to the Report and Recommendation, and the remaining record, does hereby  
2 find and ORDER:

- 3 (1) The Court adopts the Report and Recommendation;
- 4 (2) In all future cases, the Plaintiff shall submit a signed affidavit, along  
5 with the proposed complaint, verifying under penalty of perjury that  
6 none of the issues raised in the proposed complaint have been litigated  
7 in the past by the Plaintiff. Plaintiff may not proceed *in forma*  
*pauperis* with a civil rights, Bivens, or Federal Tort Claims Act action  
without a showing he is in imminent danger of serious bodily injury or  
death.
- 8 (3) An application to proceed *in forma pauperis*, the affidavit required in  
9 Item 1 above, and the proposed complaint shall be forwarded to the  
Chief Judge of the district by the clerks office for review. The Chief  
Judge shall determine whether the action should be allowed to  
proceed. Plaintiff must provide full and complete disclosure of all  
financial information in support of any *in forma pauperis* application.
- 10 (4) Plaintiff is prohibited from filing any duplicative or repetitive motion in  
11 an action. The filing of such motions will result in monetary sanctions  
or dismissal of the actions.
- 12 (5) All settlement agreements with the Plaintiff which include a monetary  
13 payment shall require payment of the funds into the registry of the  
14 court until such time as Plaintiff has paid all outstanding obligations to  
15 the court that were ordered in connection with prior grants of *in forma*  
*pauperis* status.
- 16 (6) This order will apply to all action filed by Plaintiff in this Court and  
17 those removed from any other court to this Court.
- 18 (7) Plaintiff is precluded from asserting any fact, if a court has entered a  
19 finding contrary his assertion, without first disclosing that he is making  
an assertion contrary to a holding in another case and identifying the  
holding and case with specificity.
- 20 (8) This action is **DISMISSED WITH PREJUDICE**.

21 The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, the  
22 Chief Judge, and to the Hon. J. Kelley Arnold.  
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24 DATED this 24<sup>th</sup> day of March, 2008.



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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE